

REMARKS

In the Office Action mailed 29 January 2004, all of the pending claims 1-46, were rejected under Section 103(a) over the combination of *Tracton* (U.S. Pat. No. 6,470,378) in view of *del Val* (U.S. Pat. No. 6,128,653) and *Hinderks* (U.S. Pat. No. 6,049,551).

In response, Applicant has amended independent claims 1, 9, 17, 25, 33, and 41 to recite that the first display control command is entered by a user of the wireless terminal after the motion video having initial presentation features has been displayed. This feature is clearly not present in *Tracton*. The innovation of *Tracton*, involves automatically discerning the transmission capacity of the channel to the display device, and altering the data transmission accordingly. The goal of *Tracton*, in fact, is to adjust to the appropriate transmission speed prior to sending media for display.

Of course, *Tracton* does not teach transmitting a control command to alter the presentation characteristics of the received motion video (as noted by the Examiner), and it follows that it does not teach transmitting such a command via a wireless interface. Although cellular phones and text-only pagers are mentioned in the *Tracton* Specification, there is still no indication that presentation characteristics altering control command be sent via the wireless interface. In fact, in the cellular application the distinguishing features of the present invention become even more clear, since *Tracton* (col. 7, lines 26-34) teaches that the devices simply transmit (apparently automatically) a unique identifier indicating their capability. Moreover, *Tracton* certainly does not teach first displaying a motion video presentation having initial characteristics and then responding to a user-entered command to alter the presentation characteristics. And note that the goal of *Tracton* is not to alter the presentation characteristics at all, but to find a transmission speed and format appropriate to the device in question and the channel to it. Although the quality of the eventual presentation may be affected by this determination, ideally (according to the object of *Tracton*) it would not be.

For this reason, Applicant respectfully suggests that it would not be obvious to a skilled artisan at the time of the invention to "modify" *Tracton* to reach the claims of the present

invention, especially as now amended, because doing so would counter the basic idea it is trying to teach. *de Val* does not supply these missing features, and there is no motivation to combine these two references (save that provided by Applicant's disclosure). And note that while *de Val* teaches sending commands (via HTTP), these commands are not intended to alter the presentation characteristics of the transmitted motion video, but rather to request that different portions of the media data be sent (see, for example, *de Val* claims 1-4). *Hinderks* was cited for audio-video synchronization and also fails to disclose the distinguishing features of the claims of the present invention, nor does it contain the suggestion that *Tracton* be modified to reach them.

Accordingly, the remaining ones of the independent claims, as now amended, are believed to be patentably distinguishable over the combination of references cited by the Examiner. As the remaining ones of the dependent claims include all of the limitations of their respective parent claims, these claims are believed to be patentably distinguishable over the cited combination for the same reasons as those given with respect to their respective parent claims.

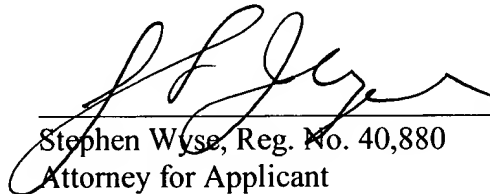
Finally, Applicants respectfully request that where in regard to the claims the Examiner has taken official notice the general state of the art, that this notice be explicitly applied, where it is possible, to specific features recited in the claims. Applicants point out that this official notice was taken almost four years after the present Application is filed (and with respect to the originally-filed claims). In the alternative, Applicant requests that any rejections relying on official notice be withdrawn.

Appln. No. 09/473,356
Amdt. dated 29 Apr 2004
Reply to Office Action of 29 Jan 2004

Entry of this Amendment, reexamination and reconsideration for allowance of the claims, as now presented, is respectfully requested. In addition, the Examiner is requested to contact the undersigned, by Advisory Action or otherwise, to indicate whether the claims will be allowed in their current form or may be put into allowable form with further amendment.

Respectfully submitted,

Dated: 29 April 2004



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